

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on March 29, 2017 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Alan Doane, Chair (R)
Rep. Seth Berglee, Vice Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Laurie Bishop (D)
Rep. Jennifer Eck (D)
Rep. Kathy Kelker (D)
Rep. Casey Knudsen (R)
Rep. Theresa Manzella (R)
Rep. Nate McConnell (D)
Rep. Shane A. Morigeau (D)
Rep. Dale Mortensen (R)
Rep. Zac Perry (D)
Rep. Matt Regier (R)
Rep. Lola Sheldon-Galloway (R)
Rep. Barry Usher (R)
Rep. Kirk Wagoner (R)

Members Excused:

Rep. Bob Brown (R)
Rep. Bill Harris (R)
Rep. Ellie Hill Smith (D)
Rep. Matt Regier (R)

Members Absent: None

Staff Present: Sara Fleming, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 117, 3/22/2017; SB 145, 3/22/2017; SB 179, 3/22/2017
Executive Action: HB 632, HB 654, SB 305

HEARING ON SB 179

Opening Statement by Sponsor:

00:01:18 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 179, Revise offer of judgment laws.

00:02:39 Rep. Regier joined the meeting.

Proponents' Testimony:

00:04:09 Al Smith, Montana Trail Lawyers Association (MTLA)

00:05:27 Bridger Mahlum, Montana Chamber of Commerce

Opponents' Testimony:

Informational Testimony:

00:05:58 Greg Mohr, Montana Magistrates Association (MMA)

Questions from Committee Members and Responses:

00:06:16 Rep. McConnell

00:07:02 Al Smith, MTLA

Closing by Sponsor:

00:09:52 Sen. Fitzpatrick

HEARING ON SB 117

Opening Statement by Sponsor:

00:11:06 Sen. Roger Webb (R), SD 23, opened the hearing on SB 117, Revise laws relating to executing power of attorney for a minor.

[EXHIBIT\(juh65a01\)](#)

[EXHIBIT\(juh65a02\)](#)

[EXHIBIT\(juh65a03\)](#)

Proponents' Testimony: None

Opponents' Testimony:

00:18:08 Twila Costigan, Self

00:22:00 Rosemary Miller, Catholic Social Services of Montana

[EXHIBIT\(juh65a04\)](#)

[EXHIBIT\(juh65a05\)](#)

00:24:12 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

00:25:06 Laura Smith, Department of Health and Human Services (DPHHS)

Informational Testimony: None

Questions from Committee Members and Responses:

00:31:48 Rep. Kelker
00:32:36 Sen. Webb
00:34:36 Rep. Regier
00:34:40 Rep. Harris joined the meeting.
00:35:01 Laura Smith, DPHHS
00:36:39 Rep. Manzella
00:37:10 Sen. Webb
00:40:00 Rep. Usher
00:41:07 Laura Smith, DPHHS
00:43:15 Rep. Court
00:44:31 Sen. Webb
00:46:32 Chair Doane
00:46:41 Rep. Usher
00:46:48 Rep. C. Knudsen
00:47:00 Rep. Harris
00:47:54 Laura Smith, DPHHS
00:56:13 Rep. Morigeau
00:57:43 Laura Smith, DPHHS
00:58:17 Rep. Court
00:58:41 Laura Smith, DPHHS
01:00:07 Rep. Court
01:00:36 Rosemary Miller, Catholic Social Services of Montana
01:02:00 Rep. Bishop
01:03:31 Rosemary Miller, Catholic Social Services of Montana
01:04:31 Rep. Kelker

Closing by Sponsor:

01:05:26 Sen. Webb

01:10:49 Recess
01:22:11 Reconvene

HEARING ON SB 145**Opening Statement by Sponsor:**

01:22:34 Sen. Roger Webb (R), SD 23, opened the hearing on SB 145, Generally revise laws re when certain individuals may be transferred to DOC.

01:23:16 Rep. Hill Smith joined the meeting.

Proponents' Testimony:

01:24:47 Ken Brown, Opportunities Resources
01:28:13 Beth Brennenman, Disability Rights Montana
01:35:20 John Wilkinson, Self
01:39:57 SK Rossi, American Civil Liberties Union (ACLU)
01:41:53 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

Opponents' Testimony:

01:42:15 Vicki Byrd, Montana Nurses Association (MNA)

EXHIBIT(juh65a06)

01:48:26 Adrienne Cotton, Department of Corrections (COR)

01:53:20 Zoe Barnard, Department of Health and Human Services (DPHHS)

EXHIBIT(juh65a07)

01:58:40 Sandi Luckey, Montana Nurses Association (MNA)

01:59:27 Paulette Kohman, Self

EXHIBIT(juh65a08)

Informational Testimony: None

Questions from Committee Members and Responses:

02:08:50 Rep. Kelker

02:09:30 Beth Brenneman, Disability Rights Montana

02:14:19 Rep. McConnell

02:15:28 Beth Brenneman, Disability Rights Montana

02:18:57 Rep. McConnell

02:19:43 Sen. Webb

02:19:57 Beth Brenneman, Disability Rights Montana

02:20:14 Rep. McConnell

02:20:27 Jorge Quintana, Department of Health and Human Services (DPHHS)

02:22:11 Rep. Kelker

02:23:03 Adrienne Cotton, COR

02:23:28 Rep. Eck left the meeting.

02:25:18 Zoe Barnard, DPHHS

02:28:02 Rep. Harris

02:29:18 Adrienne Cotton, COR

Closing by Sponsor:

02:31:32 Sen. Webb

02:36:14 Recess

02:48:15 Reconvene

EXECUTIVE ACTION ON HB 632

Discussion:

02:48:23 Helen Thigpen, Legislative Services Division (LSD)

02:48:48 **Motion:** Rep. Berglee moved that **HB 632 DO PASS.**

02:48:54 **Motion:** Rep. Morigeau moved that **HB 632 BE AMENDED.**

Discussion:

02:49:20 Rep. Morigeau

02:50:42 **Vote:** Motion carried unanimously by voice vote.

02:51:03 **Motion:** Rep. Berglee moved that **HB 632 DO PASS AS AMENDED.**

Discussion:

02:51:11 Rep. Morigeau

02:52:34 Rep. Mortensen left the meeting.

02:53:22 **Vote:** Motion failed 9-10 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Harris, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting aye. Rep. Mortensen voted by proxy.

02:54:34 **Motion:** Rep. Berglee moved that **HB 632 BE TABLED.** Motion was without objection.

EXECUTIVE ACTION ON SB 305

02:54:48 **Motion:** Rep. Court moved that **SB 305 BE CONCURRED IN.**

Discussion:

02:55:07 Rep. B. Brown

02:55:43 Chair Doane

02:55:49 Rep. Hill Smith

02:56:51 Rep. Morigeau

02:56:55 Rep. C. Knudsen

02:57:06 Helen Thigpen, LSD

02:57:11 Rep. Court

02:57:20 Rep. Morigeau

02:57:33 **Substitute Motion:** Rep. Manzella moved that **SB 305 BE TABLED.**

Discussion:

02:57:55 Rep. Morigeau

02:58:07 Helen Thigpen, LSD

02:58:24 Rep. Morigeau

02:58:30 Rep. Harris

02:58:51 Chair Doane

02:58:58 Rep. Morigeau

02:59:08 Chair Doane

02:59:15 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Mortensen voted by proxy.

Discussion:

03:00:11 Rep. Hill Smith

03:02:35 Rep. Usher

03:03:37 Rep. B. Brown

03:04:25 Rep. Morigeau

03:05:47 Rep. Wagoner

03:06:14 Rep. McConnell
03:06:42 Rep. Eck
03:07:15 Rep. Wagoner
03:07:20 Rep. Manzella left the meeting.
03:07:23 Rep. Eck
03:07:33 Rep. B. Brown left the meeting.
03:07:41 Chair Doane
03:07:48 Rep. Court

EXECUTIVE ACTION ON HB 654

03:08:37 **Motion:** Rep. Berglee moved that **HB 654 DO PASS.**

Discussion:

03:08:49 Helen Thigpen, LSD
03:09:01 Chair Doane
03:09:07 Rep. Harris

03:12:11 **Substitute Motion/Vote:** Rep. Kelker moved that **HB 654 BE TABLED.** Motion carried 12-7 by roll call vote with Rep. B. Brown, Rep. Harris, Rep. Mortensen, Rep. M. Regier, Rep. Sheldon-Galloway, Rep. Usher and Rep. Wagoner voting no. Rep. B. Brown, Rep. Manzella and Rep. Mortensen voted by proxy.

EXECUTIVE ACTION ON HB 636

03:13:34 **Motion/Vote:** Rep. Court moved that **HB 636 BE REMOVED FROM TABLE.** Motion failed 8-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting aye.

ADJOURNMENT

Adjournment: 03:15:56

Sara Fleming, Secretary

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Additional Documents:

EXHIBIT([juh65aad.pdf](#))